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\*E-filed 3/28/08\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

*No. C 07-00859 HRL*      No. C 07-00859 HRL  
MARK HOUSTON,  
Plaintiff,  
v.  
COUNTRY COACH, INC.,  
Defendant.

**ORDER DENYING WITHOUT  
PREJUDICE RELATED CASE MOTION**

*No. C 08-01507 JW*  
MARK HOUSTON,  
Plaintiff,  
v.  
GUARANTY RV, INC.,  
Defendant.

Re: Docket No. 50

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In the case currently pending before this court, Plaintiff moved under Civil L-R 3-12 for a determination of whether the instant action (*Houston v. Country Coach, Inc.*, C07-00859 HRL) should be related to a later filed case (*Houston v. Guaranty RV, Inc.*, C08-01507 JW). Defendant Country Coach, Inc. opposed the motion.<sup>1</sup>

In consideration of the issues and parties involved in both cases, it appears that they should be related. *See* Civil L-R 3-12(a). However, judicial economy will only be achieved if Defendant from the later filed case, Guaranty RV (“Guaranty”), consents to Magistrate Judge Jurisdiction. Since Guaranty has yet to enter an appearance in that action, a related case determination is premature.

Accordingly, the motion to relate these two cases is DENIED WITHOUT PREJUDICE. The court invites Plaintiff to bring this motion again if, once Guaranty appears, it consents to Magistrate Judge Jurisdiction.


C 07-00859 HRL      Mark Houston v. Country Coach, Inc.

C 08-01507 JW      Houston -v- Guaranty RV, Inc.

I find that the above case SHOULD NOT, AT THIS TIME,  
be related to the case assigned to me.

**IT IS SO ORDERED.**

Dated: 3/28/08

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> The opposition was largely concerned with the prejudice to Country Coach should the case management schedules be consolidated. However, if the cases are related, this does not necessarily mean that they should or would be tried together. Rather, it is a determination that judicial economy would result from having these cases heard by the same judge.

1 THIS SHALL CERTIFY THAT NOTICE WILL BE SENT TO:

2 Terry L. Baker tbaker@consumerlawgroup.net

3 Kevin J. Tully kevin@tullylaw.net, jeanine@tullylaw.net, julie@tullylaw.net

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5  
6 \* Counsel are responsible for providing copies of this order to co-counsel who have not  
7 registered for e-filing.

8 Date: 3/28/08

KRO

Chambers of Magistrate Judge Howard R. Lloyd